

Regular Session, 2013

HOUSE BILL NO. 381

BY REPRESENTATIVE WESLEY BISHOP

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LIABILITY/CIVIL: Provides relative to the Louisiana Governmental Claims Act

1 AN ACT

2 To amend and reenact R.S. 13:5109(C) and to enact R.S. 13:5109(B)(3), relative to the
3 Louisiana Governmental Claims Act; to provide with respect to liability of certain
4 employees and covered individuals; to provide for limitations; to prohibit seizure of
5 personal property in certain circumstances; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:5109(C) is hereby amended and reenacted and R.S. 13:5109(B)(3)
8 is hereby enacted to read as follows:

9 §5109. Authority to compromise; judgment; notice of judgment; payments

10 * * *

11 B.

12 * * *

13 (3) If a covered individual, as defined by R.S. 13:5108.1(E), or employee of
14 a political subdivision is found, through judgment or stipulation, to have been acting
15 within the course and scope of his office or employment and performing legitimate
16 duties of his office or employment rendering the political subdivision vicariously
17 liable for his conduct, the personal property of the covered individual or employee
18 shall not be subject to seizure in the event a judgment is rendered against the covered
19 individual or employee. Any such judgment rendered against the covered individual
20 or employee of a political subdivision shall be exigible, payable, and paid only out

1 of funds appropriated for that purpose by the governing authority of that political
2 subdivision.

3 C.(1) The governing authority of a parish or municipality, upon the advice
4 and the concurrence of the district attorney, parish attorney, or city attorney of that
5 parish or municipality or proper official as the case may be, may compromise or
6 settle any claim against that parish or municipality without the necessity for the filing
7 of a suit against the parish or municipality in the matter. Any such compromise
8 settlement shall be exigible, payable, and paid only out of funds appropriated for that
9 purpose by the governing authority of that parish or municipality. No claim in
10 excess of ten thousand dollars may be compromised or settled as provided herein
11 before ten days have elapsed after the publication of such proposed compromise or
12 settlement in the official journal of the appropriate political subdivision.

13 (2) If a political subdivision enters into a compromise settlement wherein it
14 accepts vicarious liability for a covered individual or employee acting within the
15 course and scope of his office or employment and performing his legitimate duties
16 of his office or employment, the personal property of the covered individual or
17 employee shall not be subject to seizure. Any such compromise settlement which
18 includes the covered individual or employee of a political subdivision shall be
19 exigible, payable, and paid only out of funds appropriated for that purpose by the
20 governing authority of that political subdivision.

21 Section 2. This Act shall become effective upon signature by the governor or, if not
22 signed by the governor, upon expiration of the time for bills to become law without signature
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. if
24 vetoed by the governor and subsequently approved by the legislature, this Act shall become
25 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Wesley Bishop

HB No. 381

Abstract: Provides for a limitation of liability under the La. Governmental Claims Act for governmental employees by prohibiting seizure of personal property under certain circumstances.

Present law provides that under the La. Governmental Claims Act, any judgment or settlement against the state, state agency, or political subdivision, or their officers and employees, shall be payable only out of funds appropriated for that purpose by the legislature or political subdivision.

Proposed law retains present law and provides that if a covered individual or employee of a political subdivision is found to have been acting within the course and scope of his employment through judgment or by compromise and settlement, the personal property of that covered individual or employee shall not be subject to seizure.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 13:5109(C); Adds R.S. 13:5109(B)(3))